

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE: Application of Neil Lee SPECTOR et al.

Serial No.: 10/567,012

Filing Date: February 1, 2006

For: Treatment of Cancers Expressing P95 ERBB2

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicants request that the references identified on Form PTO-1449 appended hereto be considered by the Examiner and officially made of record in accordance with the provisions of 37 CFR 1.97

- ☒ Copies of the references listed on the attached form PTO-1449 are enclosed
- ☐ Copies of the references were submitted in parent application Serial No. _____. (37 CFR 1.98(d))
- ☐ A copy of the International Search Report which issued on International Application No. _____ is submitted herewith. All of the publications cited in the International Search Report are listed on the attached form PTO-1449 as item no. 21 and Applicants understand that copies have been supplied to the U.S. Patent Office by the International Bureau.

- A. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of the above application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

OR

- ☐ **The Information Disclosure Statement submitted herewith is being filed before the mailing of a first office action after the filing of a Request For Continued Examination under 37 C.F.R. 1.114 (37 C.F.R. 1.97(b)(4)).**

- B. ☐ The Information Disclosure Statement transmitted herewith is being filed **after** three months of the filing date of the above application or the date of entry into the national stage as set forth in § 1.491 of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last, but **before** the mailing date of either:

- (1) a final action under § 1.113 or
 - (2) a notice of allowance under § 1.311,
- whichever occurs first.

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

- ☐ Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under § 1.97(c) (\$180.00).

- C. ☐ The Information Disclosure Statement transmitted herewith is being filed **after** a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before the payment of the issue fee. Also enclosed is a copy of the International Search Report which Issued on International Publication No.

In accordance with the requirements of 37 CFR 1.97(d):

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. **[or]**
- ☐ Applicant hereby certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this statement; and
- ☐ The petition fee set forth in § 1.17(i)(1) (\$180.00) is submitted herewith.

[X] Please charge any required fees to Deposit Account No.07-1392.

Respectfully Submitted,

/Virginia G. Campen/
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Date: 20 Feb 2007
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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT								SERIAL NO.	10/567,012
								FILING DATE	February 1, 2006
								APPLICANT	Spector et al.
								GROUP	
								EXAMINER	
								ATTORNEY DOCKET NO.	PR60419USw
U.S. PATENT DOCUMENTS									
Examiner Initials		Patent Number	Issue Date	Name	Class	Subclass	Filing Date If Appropriate		
FOREIGN PATENT DOCUMENTS									
		Document Number	Publication Date	Country	Class	Subclass	Translation Yes No		
	1.	03/086467	10/23/2003	PCT					
OTHER DOCUMENTS (Including Author, Title, Journal-Date, Page Number, Etc.)									
	2.	CHEN et al., Strategies to Target HER2/neu Overexpression for Cancer Therapy, Drug Resistance Updates 6(3):129-136 (6/2003).							
	3.	MOLINA et al., NH(2)-terminal truncated HER-2 protein but not full-length receptor is associated with nodal metastasis in human breast cancer, Clinical Cancer Research: An Official Journal of the American Assoc. for Cancer Research, 8(2):347-353 (2/2002).							
	4.	ZHOU et al., Effects of the EGFR/HER2 kinase inhibitor GW572016 on EGFR- and her2-overexpressing breast cancer cell line proliferation, radiosensitization and resistance, Int'l Journal of Radiation: Oncology Biology Physics, Pergamon Press 58(2):344-352 (3/2003).							
	5.	XIA et al., Truncated ErbB2 receptor (p95 ErbB2) is regulated by heregulin through heterodimer formation with ErbB3 yet remains sensitive to the dual EGFR/ErbB2 kinase inhibitor GW572016, Oncogene 23(3):646-653 (1/2004).							
EXAMINER							DATE CONSIDERED		
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.									